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7 NATIONAL INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA  
10

11 CENTEX HOMES, a Nevada general  
12 partnership,

13 Plaintiff,

14 v.

15 NAVIGATORS SPECIALTY INSURANCE  
16 COMPANY, a New York corporation;  
17 EVEREST NATIONAL INSURANCE  
18 COMPANY, a Delaware corporation;  
19 INTERSTATE FIRE & CASUALTY  
20 COMPANY, an Illinois corporation;  
21 LEXINGTON INSURANCE COMPANY, a  
22 Delaware corporation; FEDERAL  
23 INSURANCE COMPANY, an Indiana  
24 corporation; UNDERWRITERS AT LLOYDS  
25 LONDON, an England corporation; and ST.  
26 PAUL FIRE AND MARINE INSURANCE  
27 COMPANY, a Connecticut corporation,  
28

Defendants.

Case No. 2:16-cv-01958-JAD-VCF

**STIPULATION AND ORDER FOR  
DISMISSAL OF EVEREST'S CROSS-  
CLAIM AGAINST LEXINGTON**

ECF NO. 61, 74

25 IT IS HEREBY STIPULATED AND AGREED, by and between attorney Joshua Zlotlow  
26 of Herold & Sager, counsel for defendant/cross-defendant Lexington Insurance Company, and  
27 Theodore J. Kurtz of Selman Breitman LLP, counsel for defendant/cross-claimant Everest  
28 National Insurance Company, that the cross-claim of Everest against Lexington be dismissed

without prejudice, with each party to pay their own attorneys' fees and costs.

DATED: March 1, 2017

HEROLD & SAGER

By: /s/ Joshua A. Zlotlow

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DATED: March 1, 2017

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By: /s/ Theodore J. Kurtz

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**ORDER**

Local Rule 7-1(c) states that "A stipulation that has been signed by fewer than all the parties or their attorneys will be treated—and must be filed—as a joint motion." This stipulation [ECF No.74] is between defendant/cross-defendant Lexington Insurance Company and defendant/cross-claimant Everest National Insurance Company. Accordingly, I treat it as a joint motion under LR 7-1(c), find good cause, and **GRANT it [ECF No. 74]**.

IT IS THEREFORE ORDERED that Everest's cross-claim against Lexington is **DISMISSED** with prejudice, each party to bear its own fees and costs, and Lexington's Motion to Dismiss the Cross-claim [ECF No. 61] is **DENIED** as moot.

  
Jennifer Dorsey

U.S. District Judge 3-1-17